

Appl. No. 09/782,150
Amdt. dated December 10, 2003
Reply to Office Action of September 10, 2003

Remarks

The present amendment responds to the Official Action dated September 10, 2003. The Official Action stated that the attempt to incorporate the co-pending application "Operating Software Scheduling Priority Recorder" was improper because the serial number of the application had not been provided. The Official Action provisionally rejected claims 1-10 under the doctrine of obviousness-type double patenting. The Official Action rejected claims 1-10 under 35 U.S.C. 102(e) as anticipated by Eilert U.S. Patent No. 6,282,560 ("Eilert"). These grounds of rejection are addressed below after a brief description of the present invention to provide context.

The specification has been amended. Claims 1, 5 and 6 have been amended to be more clear and distinct. Claims 1-10 are presently pending.

The Present Invention

In one aspect, the present invention provides systems and techniques for recording information relating to operating software events as they occur. Various programs and tasks are controlled by the operating system, and performance, scheduling and other information relating to the programs and tasks may be recorded. The information may be maintained in a ledger where it is available for analysis in order to evaluate system performance. This analysis may be performed automatically or by a user, and the results of the analysis can be used to identify parameter changes that can be made in order to improve system performance.

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The Double Patenting Rejections

The Official Action provisionally rejected claims 1-10 under the doctrine of obviousness-type double patenting as unpatentable over claims 1-20 of co-pending Application No. 09/782,151. With the terminal disclaimer filed herewith, this ground of rejection has been overcome and should be withdrawn.

The Art Rejection

The Official Action rejected claims 1-10 35 U.S.C. 102(e) as anticipated by Eilert. In light of the present amendments to claims 1 and 6, this ground of rejection is respectfully traversed. Claim 1, as amended, claims recording operating software events as they occur, in order to provide operating software program scheduling information relating to interactions between the operating system software and the programs and tasks managed by the operating system software, analyzing the operating software program scheduling information and adjusting defined parameters to modify system performance. These limitations are not taught by Eilert. Eilert teaches techniques for managing processor resources in a system supporting both real time and non real time applications. Eilert sets a limit on the processor capacity that can be consumed by real time applications, in order to insure that sufficient resources remain to support non real time applications. Eilert performs workload management in order to insure that tasks are performed in an orderly manner. Eilert also examines processor consumption and adjusts system parameters, such as the dispatch priority of various tasks, in order to achieve performance goals. However, Eilert does not record operating software events in order to provide operating software program scheduling information and analyzing that information, as is claimed by claim 1, as

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amended. Recording operating software events in order to provide operating software program scheduling information makes available significant historic information that can be analyzed to provide a great deal of useful information about the operation and performance of a computer system. Such information goes well beyond that provided or required by Eilert. Claim 1, as amended, therefore defines over the cited art and should be allowed.

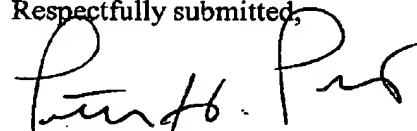
Claim 6, as amended, claims a memory coupled to the processor, the memory having stored therein sequences of instructions which, when executed by the processor, cause the processor to record operating software events as they occur, in order to provide operating software program scheduling information relating to interactions between the operating system software and the programs and tasks managed by the operating system software, and to analyze the operating software scheduling information and adjust defined parameters to modify system performance. For the reasons stated above with respect to claim 1, these limitations are not taught by Eilert. Claim 6, as amended, therefore defines over the cited art and should be allowed.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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